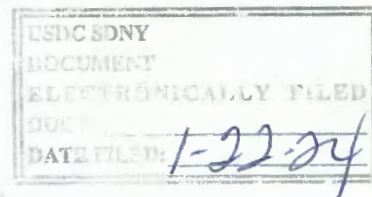


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



XERIAN, INC.,

Index No.: 23-cv-9200

Plaintiff,

v.

AUCTUS FUND, LLC,

Defendant.

MEMO ENDORSED

NOTICE OF MOTION

For the reasons set forth in the Memorandum of Law in Support of Plaintiff's Motion for an Order vacating the dismissal entered on January 9, 2024, and the Declaration of William Igbokwe in Support of Plaintiff's Motion ("Igbokwe Declaration"), Plaintiff respectfully requests that the Court enter an Order vacating the dismissal entered on January 9, 2024, or in the alternative, to declare the dismissal to be without prejudice and allow the Plaintiff to cure any defects in the pleadings, so that the case may be adjudicated on the merits.

Date: January 9, 2024

Respectfully submitted by:

/s/ William Igbokwe

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Granted -
dismissal
vacated
SO ORDERED
[Signature]
LEWIS A. KAPLAN, USDJ
1/22/24